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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWARD KERR,

Defendant and Appellant.

D042828

(Super. Ct. No. SCD174982)

APPEAL from a judgment of the Superior Court of San Diego County, John L. Davidson, Judge. Affirmed.

Edward Kerr entered a negotiated guilty plea to petty theft with a prior theft conviction (Pen. Code, §§ 666/484)¹ and admitted a strike prior (§§ 667, subds. (b)-(i), 1170.12). The court sentenced him to prison for a stipulated four years: double the two-year middle term for petty theft with a prior theft conviction and a strike prior. The

¹ All statutory references are to the Penal Code.

record does not include a request for a certificate of probable cause. (Cal. Rules of Court, rule 30(b), former rule 31(d).)

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether Kerr's trial counsel provided effective assistance, and (2) whether Kerr was competent to enter the guilty plea and admission.²

We granted Kerr permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Kerr on this appeal.

² Because Kerr entered a guilty plea, he cannot challenge the facts underlying the conviction. (§ 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

DISPOSITION

The judgment is affirmed.

IRION, J.

WE CONCUR:

BENKE, Acting P. J.

McINTYRE, J.